

**UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT
RIGHTS ACT OF 1994 (USERRA) PUBLIC LAW 103-353**

INFORMATION AND ELECTION RIGHTS

1. The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), Public Law 103-353, enacted on 13 Oct 1994, requires us to inform you of your rights and election opportunities prior to your entrance on active duty military service. **Please read the following information concerning USERRA and your election rights. It is necessary that you complete page 4, "USERRA Election Options," detach and return to CAHR-CS with a SF-52, Request for Personnel Action and a copy of your orders. Your request cannot be processed unless this form is received with your signature and date.**
2. USERRA revised the period of time a service member can be absent from his or her job with a civilian employer while retaining reemployment rights. Reemployment is defined as a return to technician employment from military leave without pay (LWOP-US) or reemployment after civilian service separation (SEPARATION-US) when the military duty interrupted otherwise creditable technician service. USERRA also clarified that all periods of service are cumulative with respect to the maximum absence from a position of employment, except for specified types of service, which are exempt by the Act.
3. Prior law provided reemployment rights for individuals whose military tours did not exceed four years (or five years if the fifth year was for the convenience of the government). By Office of Personnel Management (OPM) policy, service members employed by the Federal government, who had previously exercised reemployment rights on their return from military service, were allowed to enter other subsequent periods of active military service and retain reemployment rights for another four (or five) year period. This policy in which previous absence(s) from employment were not counted toward a cumulative limit will no longer apply under USERRA.
4. PL 103-353 became effective on 12 Dec 1994 and prescribes the employment and reemployment rights of permanent and indefinite technicians who apply for return to technician employment from title 10 or 32 active duty military service. Advance written or verbal notification to the employer is required before entering military duty. If notice is not given, reemployment rights may be denied. Reemployment rights and benefits are limited to five cumulative years of absence, for military service, from technician employment with the same employer (state), i.e., the Adjutant General of California. The title 32 five-year limit began on 12 Dec 94. If you were on title 10 active military duty service prior to 12 Dec 94, and were reemployed under Chapter 43 of title 38 United States Code after 12 Dec 94, that entire period of title 10 service counts toward the 5 cumulative years of service.
5. OPM and NGB regulations authorize you to select from the options available to you concerning your status while on active duty military service. The following apply to both resignation from technician employment (SEPARATION-US) and leave without pay (LWOP-US):

- a. If your active duty military service is less than 91 days, and you request reemployment, you will be placed in the position for which you qualify and would have attained if not for the interruption by military service.
 - b. If your active duty military service is more than 90 days, and you request reemployment, you will be placed in the position for which you qualify and would have attained if not for the interruption by military service, if available, or one of like seniority, status and pay.
 - c. Your time on active military service, title 10 or 32, does not automatically count toward your CSRS or FERS retirement. However, if you make a retirement deposit after restoration to technician employment (Chapter 43 of title 38 USC), the period of military service will be creditable toward retirement. The only exception to this is an employee hired under CSRS prior to 1 Oct 82. For these employees the active duty military service is creditable for retirement; but, if a retirement deposit is not made, the retirement annuity will be reduced, if eligible for social security benefits, at retirement or age 62, whichever occurs first.
 - d. If you have a Thrift Savings Plan account, during military duty, it will be placed in a "hold" status until you either return to duty or terminate your technician status. However, if you have a TSP loan you must comply with all rules concerning the loan.
 - e. If you are reemployed under Chapter 43 of title 38 USC, you may elect to make-up contributions to the Thrift Savings Plan, in an amount equal to the amount you would have contributed had it not been for military service, subject to maximum statutory limits. The make-up contributions may be made over a period of up to 4 times the length of the period of military duty. FERS employees will receive their 1% agency automatic and matching contributions with lost earnings on the agency contributions at the G fund rate in effect at that time. Make-up contributions must come from payroll deductions.
 - f. After entry into active duty, Federal Employees Health Benefit (FEHB) will continue for up to 18 months unless you elect to cancel coverage. You are liable for the employee share of the premiums for the first 365 days and for the 102% of the full subscription charge (employee share plus government share plus 2%) after 365. Payment for coverage after 365 days may be made while you are absent or when you return. After 18 months you are entitled to a 31-day extension of coverage during which you may convert to a non-group policy. FEHB will be restored on the day you return to duty.
 - g. After entry into active duty for a contingency operation, Federal Employees Health Benefit (FEHB) will continue for up to 18 months at no cost to you unless you elect to cancel coverage.
6. In addition to the items in paragraph 5, the following apply if you resign (SEPARATION-US) to go on active duty military service:
- a. You must make written application for reemployment within 14 days of honorable separation from military service if the length of service was for more than 30 days but less than 181 days or within 90 days of honorable separation from military service if the length of military service was more than 180 days. You are entitled to reemployment as soon as practicable,

but in no event later than 30 days after your written request for reemployment is received at the Human Resources Office. If it is impossible or unreasonable for the Adjutant General of California to reemploy you, the law requires OPM to place you in the executive branch.

- b. You will receive a lump-sum payment of any unused annual leave.
 - c. You may receive a refund of your retirement deductions. (NOTE: If you withdraw FERS retirement contributions, you may never make a redeposit and will never receive retirement credit for the refunded period of civilian service).
7. In addition to the items in paragraph 5, the following also applies if you elect to go LWOP-US from your technician position:
- a. An employee on LWOP for title 32 active duty military service no longer receives 6 months credit per calendar year towards retirement.
 - b. Your LWOP status will not be used for civilian service retirement credit unless a retirement deposit is made upon your return to a pay status.
 - c. You may elect to receive a lump-sum payment of annual leave or leave it on account until you return to technician status.
 - d. Under LWOP option, there is no provision for a refund of retirement contributions.
 - e. Federal Employees Group Life Insurance (FEGLI) continues for up to 365 days at no cost to you.
 - f. You must return to work on the:
 - (1) First full regular workday after separation from military duty, taking into account travel home plus an 8-hour rest period, if the length of military service is less than 31 days.
 - (2) Within 14 days if military service is more than 30 days but less than 181 days.
 - (3) Within 90 days if the length of military service is more than 180 days.
 - (4) You must provide written notification if you intend to report back to work no later than the first workday after military separation but within the time periods in this paragraph. Failure to report to work or provide the written notification does not automatically forfeit your right to reemployment. Instead, you will be subject to conduct rules, established policy, and general practices of the employer pertaining to explanations and discipline with respect to absence from work.
 - g. You will accrue 120 hours of military leave at the beginning of each fiscal year for as long as you remain a federal employee. Under current law each fiscal year may be considered separate periods for use of military leave. You may start the military leave at any time during the fiscal year; but once the use of military leave is begun it will be charged on an hourly basis. If you elect not to use the accrued 120 hours of military leave, it will remain to your credit for future use (up to a maximum of 240 hours per fiscal year).

USERRA TECHNICIAN CHECKLIST

NAME: _____ RANK: _____ SSN: _____

TECHNICIAN UNIT: _____

(Where You Work)

Request one of the following (Initial your election/acknowledgement)

_____ I want to be placed on Leave Without Pay (LWOP) beginning _____

_____ I have compensatory /annual/military leave I would like to use **before** going LWOP.

My Military/Annual Leave will be from _____ to _____

_____ **I understand that during my active duty tour (AGR or Title 10) that I may use all accrued military leave each year by contacting my supervisor and/or timekeeper.**

_____ **Military orders are attached.** (Must be provided prior to LWOP processing)

ANNUAL LEAVE:

_____ I have a balance of annual leave for which I would like to be paid a lump sum.

_____ I want to leave my annual leave to my credit.

HEALTH BENEFITS:

CONTINGENCY OPERATIONS:

_____ **Technicians mobilized under authorized contingency operations, such as Enduring Freedom, Noble Eagle, and Iraqi Freedom will be covered at no cost to employee for 18 months.**

ALL OTHERS:

_____ I want to continue my FEHB. I understand that if I continue my FEHB after the first 12 months, I will pay 102% of the cost and it must be paid currently. **I understand that I can cancel coverage up to 60 days after being placed in an LWOP status.**

OPTIONS FOR FEHB CONTINUATION OR TERMINATION:

_____ I want to terminate my FEHB effective: _____

_____ I want to incur a debt to be paid upon my return.

_____ I want to pay for my FEHB on a continuing basis during my absence.
Payments must be sent to:

DFAS Disbursing Officer
P.O. Box 998019
Cleveland, OH 44199-8019

***PLEASE INITIAL AND/OR ELECT THE FOLLOWING TO ENSURE THAT YOU HAVE READ AND UNDERSTAND THE FOLLOWING TOPICS.**

LIFE INSURANCE (FEGLI)

_____ I understand that if I am placed on LWOP, my FEGLI coverage will continue for 12 months with no cost to me.

*Coverage will be cancelled after the 12 month LWOP period. You will be granted a 31-day temporary extension of coverage during which you may convert your coverage to a private individual policy.

_____ I wish to elect conversion to a private individual policy upon completing 12 months in a non-pay status.

****If you elect to convert to an individual policy;**

- **Review and complete the employee portion of the attached SF-2819 (particularly Parts B, C, and D) and SF-2821.**
- **Be advised that any insurance policy purchased under the conversion privilege is a private business transaction between you and the insurance company. The cost of the individual policy is determined by the insurance company and is based on your age and class of risk.**

_____ I do not wish to elect conversion to a private individual policy.

*****Do you know who your beneficiaries are?**

RETIREMENT:

_____ I understand that if I am placed on LWOP, death and disability benefits continue under my retirement system.

_____ I understand that the military service is potentially creditable service but I must make a deposit for that service to avoid Catch-62 (CSRS must make a deposit if first hired after 1 Oct 82, FERS must make a deposit for the time to count).

THRIFT SAVINGS PLAN:

If you are restored to your civilian position, you may make retroactive contributions and elections.

_____ I have a TSP Loan and request that a TSP-41, Notification to TSP of Nonpay Status, be completed.

_____ I understand that I will need to request in writing to my personnel office to make retroactive TSP contributions and elections. **(Must be completed within 60 days of RTD).**

OWCP (On-The-Job-Injury)

_____ I have an open OWCP case.

_____ I have a closed OWCP case.

_____ I have never had an OWCP case.

**For additional information, please contact your local Human Resource Office remote designee.*

I understand my elections. _____ (Signature) _____ (Date)

My Home Address: _____

To manage your pay information (i.e. Address, Direct Deposit, LES delivery, and Allotment information) it can be accessed through the DFAS My Pay Web Site:
<https://emss.dfas.mil/mypay.asp>

CONVERSION OF BASIC AND OPTIONAL INSURANCE

Individual Policy

Under the conversion privilege, you may convert all or any part of your Basic and Optional insurance to an individual policy. No medical examination is required.

The individual policy will be issued by any insurance company you (or your assignee(s), if applicable) select that has been accepted by OPM as eligible and that has agreed to issue such policies under the provisions of the FEGLI contract. When you are ready to convert your coverage, you may request a list of eligible insurance companies from the Office of Federal Employees' Group Life Insurance at P. O. Box 2627, Jersey City, NJ 07303-2627 or 1-800-633-4542.

The individual policy may be for any type of life insurance customarily issued by the insurance company you select, except term insurance, universal life insurance or any other type of life insurance with an indeterminate premium. It cannot include disability or Accidental Death & Dismemberment benefits.

For Option C, the conversion policies are for individuals only. The conversion policies do not include "family" policies similar to the FEGLI Program's Option C. For Option C- Family, you can request to have individual policy information for a family member or members (such as children). However, the individual policy is issued to the family member. In the case of a minor child, the parent can apply on the child's behalf for an individual policy. You can only obtain a conversion policy for family members who exist on the effective date of the conversion policy—32 days after separation. A conversion policy cannot be issued for a family member added after the effective date of the policy but before the time limit for applying expires.

Any insurance policy purchased under the conversion privilege is a private business transaction between you and the insurance company. The cost of the individual policy is determined by the insurance company and is based on your age and class of risk.

Additional information on how you can convert your insurance is found on your copy of the Notice of Conversion Privilege (SF 2819), given to you by your employing office.